

July 18, 2000

Re: IO-00-114

You inquired whether you may serve as the elected president of the Ferndale Volunteer Fire Company, Inc., while you serve in your present position with the county. The answer is yes. The ethics commission has regularly advised that holding an office in, or being a member of the board of a private organization constitutes an employment relationship, even if the position is not compensated, because there is a fiduciary duty between an officer or board member and the organization that officer or board member serves. It is the duty of loyalty that creates the type of employment relationship that is contemplated by the Public Ethics Law.

There is no prohibition in the ethics Law against engaging in secondary employment as long as that employment does not create a conflict between your county job and your outside interests. Since the volunteer fire company is not subject to your county authority, and has no contracts with which your agency is involved, there are no apparent areas of conflict.

While you are serving as the president of the volunteer company, you may not assist or represent the company in connection with any matter in which the county's interests may be adversarial to, or competitive with the company. §3-105(c)(1). The ethics commission will be glad to address any specific questions that may arise in your service with the fire company.

Thank you for your inquiry. Congratulations on your election.

Sincerely,

Betsy K. Dawson
Executive Director